

Message Text

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PAGE 01 STATE 197256

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TO AMEMBASSY MADRID

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TAGS: ETRN, SP

SUBJECT: CIVAIR - US-BELGIUM AND US-YUGOSLAVIA
CHARTER AGREEMENTS

REF: MEADOWS-FERGUSON TELECON, OCT. 2, MADRID 5591

1. WE ARE POUCHING COPY OCTOBER 17, 1972 MEMORANDUM OF UNDERSTANDING (WHICH HAS FORCE OF AGREEMENT) BETWEEN THE US AND BELGIUM ON CHARTERS.

2. THREE-YEAR UNDERSTANDING IS CONSIDERABLY LESS DETAILED THAN AGREEMENT RECENTLY SIGNED WITH YUGOSLAVIA. IT CONSISTS OF SET OF "MUTUALLY RECOGNIZED PRINCIPLES" (E.G. APPLICABILITY OF CERTAIN TECHNICAL PROVISIONS OF BILATERAL SCHEDULED AGREEMENT TO CHARTERS, CONCEPT THAT CHARTERS SHOULD NOT CAUSE SUBSTANTIAL IMPAIRMENT OF SCHEDULED SERVICES, AGREEMENT THAT ADVANCE APPROVAL OF CHARTERS NOT NORMALLY NECESSARY); PLUS TWO ANNEXES SETTING FORTH CERTAIN BRIEF STATEMENTS RE US REGULATORY POLICY VIS A VIS BELGIAN CHARTERS AND BELGIAN POLICY VIS A VIS US CHARTERS.

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PAGE 02 STATE 197256

3. RE LATTER POINTS, HIGHLIGHTS ARE THAT CERTIFICA ED
US SCHEDULED AND SUPPLEMENTAL CARRIERS ARE PERMITTED
PRACTICAL CARTE BLANCHE IN OPERATIONS BETWEEN NORTH AMERICA
AND BELGIUM (IN THE PROCESS REMOVING A BELGIAN BAN ON
CHARTERS TO AND FROM THE NORTHEAST PART OF THE US), THAT
SABENA REGAINS NORMAL OFF-ROUTE CHARTER AUTHORITY IN

THE US (WHICH IT HAD BEEN DENIED AS CONSEQUENCE JUST
NOTED BELGIAN RESTRICTION ON US CHARTERS), AND THAT SABENA
GETS AUTHORIZATION TO OPERATE ITCS TO THE US. (SUCH
AUTHORITY HAS SINCE BEEN GIVEN TO SCHEDULED CARRIERS IN
GENERAL - SEE DEPT. A-6723, AUGUST 4.) IT WILL BE NOTED
THAT ONE OF STATEMENTS OF US REGULATORY POLICY VIS
A VIS BELGIUM NOTES THAT "THE OTHER CHARTER FOREIGN AIR
CARRIER PERMIT CURRENTLY HELD BY A BELGIAN CARRIER" WILL
BE CONTINUED IN FORCE. THIS PERMIT, HELD BY A CHARTER-
ONLY OPERATOR,CONTAINS THE "STANDARD" UPLIFT RATIO.

4. WE ARE ALSO POUCHING COPY OF US-YUGOSLAVIA NON-
SCHEDULED AIR SERVICE AGREEMENT, SIGNED SEPTEMBER 27,
1973. THIS IS FULL-BLOWN CHARTER BILATERAL, WHICH INCLU
18 ARTICLES (MANY OF THEM PATTERNED ON THOSE IN THE
STANDARD SCHEDULED SERVICES AGREEMENT) AND TWO ANNEXES
SETTING FORTH IN CONSIDERABLE LENGTH THE DETAILS OF
THE ACTUAL EXCHANGE OF CHARTER RIGHTS. IN SUMMARY, US
CARRIERS OBTAIN PRACTICALLY UNLIMITED RIGHTS TO CONDUCT
ALL TYPES OF CHARTERS TO AND FROM JUGOSLAVIA (FROM THE US
AS WELL AS OTHER COUNTRIES). YUGOSLAV CARRIERS
OBTAIN EQUALLY LIBERAL RIGHTS TO CONDUCT CHARTERS TO THE
US. THE REGIME FOR THE CONDUCT OF CHARTERS FROM THE US
BY YUGOSLAV CARRIERS IS CONSIDERABLY MORE COMPLICATED
AND CONSISTS BASICALLY OF THE 4:3 UPLIFT RATIO FOR ALL
POINTS IN THE US OTHER THAN LOS ANGELES AND DETROIT,
FROM WHICH UNLIMITED CHARTERS MAY BE ORIGINATED.

5. NEW AGREEMENT WITH YUGOSLAVIA MAY IN SOME-OR MANY-
WAYS SET A PATTERN FOR FUTURE CHARTER BILATERALS THE
US MAY CONCLUDE, BUT IT WOULD NOT BE CORRECT TO SAY IT
CONSTITUTES OUR "STANDARD FORM" DRAFT CHARTER AGREEMENT.
PARTICULARLY THE COMPLICATED ANNEXES WHICH INCORPORATE THE
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PAGE 03 STATE 197256

ACTUAL EXCHANGE OF OPERATING RIGHTS WILL BE APPROPRIATELY
ALTERED OR REFORMED TO REFLECT THE DIFFERENT DEALS WE
PRESUMABLY WILL STRIKE WITH DIFFERENT COUNTRIES. RUSH

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